

Monthly Police Board Meeting City of Chicago 19 August 2021



PUBLIC MEETING

VIA VIDEO AND AUDIO CONFERENCE

THURSDAY, AUGUST 19, 2021 7:30 P.M.

AGENDA

- 1. Approval of the minutes of the previous public meeting
- 2. Next regular public meeting of the Police Board: Thursday, September 23, at 7:30 p.m. (fourth Thursday of the month)
- 3. Police disciplinary cases
- 4. Orders issued by the Superintendent of Police during the previous month
- 5. Report of the Superintendent of Police
- 6. Report of the Chief Administrator of the Civilian Office of Police Accountability
- 7. Questions and comments from the public (see the Policy Regarding the Attendance of and Participation by the Public at Board Meetings)

POLICE BOARD CITY OF CHICAGO

REGULAR PUBLIC MEETING

VIA VIDEO AND AUDIO CONFERENCE CHICAGO, ILLINOIS

THURSDAY, JULY 15, 2021, 7:30 P.M.

MINUTES [Draft]

Board Members Present:

- President Ghian Foreman
- Vice President Paula Wolff
- Matthew C. Crowl
- Michael Eaddy

- Steve Flores
- Jorge Montes
- Rhoda D. Sweeney
- Andrea L. Zopp

Board Members Absent: None

Others Present:

- David Brown, Superintendent of Police
- Andrea Kersten, Interim Chief Administrator of the Civilian Office of Police Accountability (COPA)
- Deborah Witzburg, Deputy Inspector General for Public Safety
- Michelle Rubino, Deputy Chief of the Chicago Police Department (CPD) Bureau of Internal Affairs
- Eric Carter, First Deputy Superintendent of Police
- Roberto Nieves, Deputy Chief of the CPD Bureau of Patrol
- Brendan Deenihan, Chief of the CPD Bureau of Detectives
- Dana O'Malley, General Counsel to the Superintendent of Police
- Max A. Caproni, Executive Director of the Police Board
- Members of the CPD command staff
- Members of the public

President Foreman called the meeting to order. He announced that to protect the public's health in response to the COVID-19 pandemic, and as permitted by Governor Pritzker's Executive Orders 2020-07 and 2021-14, this meeting is taking place remotely. President Foreman noted that the meeting is open to the public via audio conference and is being carried live by CAN-TV.

Minutes of the Previous Public Meeting

Vice President Wolff moved to approve the draft of the minutes of the Board's regular public meeting held on June 17, 2021. The motion passed by a vote of 8 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed.

Upcoming Meetings

President Foreman announced that the Board's next regular public meeting will be on Thursday, August 19, 2021, at 7:30pm.

Vice President Wolff moved to close a series of executive sessions of the Board for the purposes of considering litigation and personnel matters, as authorized by sections 2(c)(1), (3), (4), and (11) of the Illinois Open Meetings Act. The motion passed by a vote of 8 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed.

Remarks by the Deputy Mayor for Public Safety

Deputy Mayor for Public Safety John O'Malley Jr. spoke about his office's responsibilities and public safety initiatives. (See the transcript and the video recording of the meeting, posted on the Board's website, for the complete presentation.)

Police Disciplinary Cases

President Foreman noted that a report of disciplinary actions taken by the Board during the previous month is posted on the Board's website. He reported that the Board, as authorized by the Open Meetings Act, considered in a closed meeting one police disciplinary case and that the Board will now take final action on this case:

• Case No. 20 PB 2978. Board Member Eaddy moved to find Police Officer Jamie Jawor guilty of charges stemming from a vehicle pursuit and to discharge her from the Chicago Police Department. The motion passed by a vote of 7 in favor (Foreman, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed. Board Member Eaddy moved to adopt the written findings and decision that have been reviewed by all Board members who participated in this case. The motion passed by a vote of 7 in favor (Foreman, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed. (Vice President Wolff recused herself from this case as required by Section 2-78-130 of the Municipal Code of Chicago.)

President Foreman stated that the written decision in the case on which the Board took final action will be entered as of today's date, sent to the parties, and posted on the Board's website. He then reported that there is one additional disciplinary matter to announce:

• Case Nos. 21 RR 12 & 13. Board Member Crowl reported that pursuant to Section 2-78-130 of the Municipal Code of Chicago he reviewed one matter on which the Chief Administrator of the Civilian Office of Police Accountability and the Superintendent of Police did not agree regarding the discipline of two officers. Board Member Crowl reported that Chief Administrator Kersten recommended that Police Officer Megan Fleming be suspended for 60 days for stopping and making physical contact with Harith Augustus without justification and for other misconduct, and that Lieutenant Davina Ward be suspended for 30 days for failing to separate involved officers and failing to ensure that they did not communicate with each other regarding the officer-involved

shooting. Board Member Crowl reported that Superintendent Brown recommended a 10-day suspension for Officer Fleming and a reprimand for Lieutenant Ward. Board Member Crowl announced his ruling that the Superintendent did not meet the burden of overcoming the Chief Administrator's recommendations for discipline and, therefore, the Chief Administrator's recommendations will be deemed accepted by the Superintendent. Board Member Crowl noted that the written opinion will be posted on the Board's website as required by the Municipal Code.

Report of Review of Minutes and Recordings of Past Closed Meetings

President Foreman reported that the Board, as required by the Illinois Open Meetings Act, met and considered minutes and recordings of all past closed meetings to determine whether the need for confidentiality still exists. He reported that the Board members unanimously agreed that it continues to be necessary to keep confidential the minutes and recordings of its past closed meetings; he noted, however, that beginning with the closed-meeting minutes approved this month and going forward, the Board members unanimously agreed to make available to the public portions of these minutes by posting them on the Board's website.

CPD Orders and Directives

President Foreman reported that copies of the general orders and other directives issued by the Superintendent during the previous month are posted on the CPD website.

Superintendent's Report

On behalf of the Superintendent, First Deputy Superintendent Carter reported on several matters, including the loss of a police officer to an apparent suicide, the importance of officer wellness, and the Superintendent's recent meeting with President Biden. (See the transcript and the video recording of the meeting, posted on the Board's website, for the complete report.)

Chief Administrator's Report

Chief Administrator Kersten reported on several matters, including the number of complaints of police misconduct received and investigated, video releases under the City's transparency policy involving two different officer-involved shootings, and the work of COPA's Policy and Research and Analysis Division. (See the transcript and the video recording of the meeting, posted on the Board's website, for the complete report.)

Questions and Comments from the Public

President Foreman called upon the members of the public who signed up in advance to speak at the meeting. (See the transcript and the video recording of the meeting, posted on the Board's website, for the complete remarks of each speaker and responses to speakers' questions and concerns.)

- The Reverend Dr. Mark K. Robinson spoke on behalf of Eunice Chatman about crime in the Chatham neighborhood.
- Jennifer Edwards followed up on her comments at previous meetings to appeal for more police officers, equipment, and police cars in the 3rd and 6th Districts.
- Betty Wilson, Frances Williams, and Annette Cain expressed their concerns about drivers speeding in the presence of children and other illegal activity in the Colonial Village neighborhood in the 5th District.
- Linda Hudson expressed her concerns about the use of illegal fireworks in her neighborhood in the 4th District.
- Flora Suttle followed up on her comments at previous meetings regarding the fatal shooting of her son, Derrick Suttle, by an off-duty police officer.
- John Perryman followed up on his comments at previous meetings about drug dealing in his community in Garfield Park and asked for an update on police strategies and activities in the area.
- Robert More spoke about a variety of matters.
- President Foreman called upon the following individuals and there was no response: Jacque Stefanic and Matt Brandon.

Adjournment

President Foreman stated that all persons who had signed up in advance to speak had been called. Vice President Wolff moved to adjourn the meeting. The motion passed by a vote of 8 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, Sweeney, and Sweeney) to 0 opposed, and President Foreman announced that the meeting is adjourned.

Respectfully submitted,

/s/ Max A. Caproni Executive Director Police Board [NOTE: The Police Board has authorized the publication of the following portions of the minutes of this closed meeting.]

POLICE BOARD CITY OF CHICAGO

EXECUTIVE SESSION

[Closed meeting, as authorized by the Illinois Open Meetings Act]

VIA VIDEO CONFERENCE CHICAGO, ILLINOIS

THURSDAY, JUNE 17, 2021, 4:00 P.M.

MINUTES

[Approved July 15, 2021]

Board Members Present: President Ghian Foreman, Vice President Paula Wolff, Matthew C. Crowl, Michael Eaddy, Steve Flores, Jorge Montes, Rhoda D. Sweeney, and Andrea L. Zopp.

Board Members Absent: None.

Staff Members Present: Executive Director Max A. Caproni, Executive Administrative Assistant Jazmyne Rollins, Special Assistant Corporation Counsel Bethany K. Biesenthal, and Hearing Officers Lauren A. Freeman and Allison Wood.

1. General Business

- a. Executive Director Caproni noted that holding this meeting via video conference is permitted by Governor Pritzker's Executive Orders 2020-07 and 2021-11.
- b. Vice President Wolff proposed that the Board consider making public portions of the minutes of its executive sessions. Executive Director Caproni noted that the draft of the minutes of the May 20, 2021, executive session that was circulated prior to the meeting is one option for doing so. Following discussion, the Board unanimously agreed to adopt this practice. Vice President Wolff moved to approve the draft of the minutes of the May 20, 2021, executive session that was circulated prior to the meeting. The motion passed by a vote of 8 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed.
- c. Executive Director Caproni reminded Board members that the next regular Board meeting is scheduled for Thursday, July 15, 2021.
- d. Executive Director Caproni provided an update on the status of appeals from applicants to become a Chicago police officer who were disqualified due to the results of a background investigation. He reported that 33 disqualification decisions were sent out by the Chicago Police Department thus far in June.

2. Police Disciplinary Cases

- a. Case No. 19 PB 2966, Patrick Kelly. There were no comments or questions on the draft of the Findings and Decision that was circulated prior to the meeting.
- b. Case No. 20 PB 2978, Jamie Jawor. Vice President Wolff did not participate in the consideration of this matter because she recused herself from this case pursuant to §2-78-130(a)(iii) of the Municipal Code of Chicago. Special Assistant Corporation Counsel Biesenthal reported on legal issues related to Respondent's motion to dismiss the charges. Hearing Officer Wood provided an oral report on the case, and the Board conferred with Hearing Officer Wood on the credibility of witnesses and the evidence made part of the record at the hearing on the charges against the Respondent. After due consideration, the Board took preliminary votes, directed that a draft of the Findings and Decision be prepared for the Board's review, and agreed to take final action on this case at an upcoming public meeting.
- c. Case No. 20 PB 2982, Thomas Sherry. Special Assistant Corporation Counsel Biesenthal reported on legal issues related to Respondent's motion to dismiss the charges. Following discussion, Board Member Montes moved to defer further consideration of the motion and to direct Hearing Officer Wood to order the Superintendent to provide more information regarding the amount of time it took to bring charges in this case. The motion passed by a vote of 8 in favor (Foreman, Wolff, Crowl, Eaddy, Flores, Montes, Sweeney, and Zopp) to 0 opposed.
- d. **Second General Omnibus Order**. Executive Director Caproni reported on the draft order on holding hearings remotely that was circulated prior to the meeting. Following discussion, the Board agreed to consider entering this order at an upcoming public meeting.
- 3. Matters Related to Pending Litigation: Consent Decree Entered in *Illinois v. Chicago*
 - a. **Paragraph Nos. 540 542**. Board Member Flores and Executive Director Caproni reported on a draft plan for training for Board members and hearing officers.
 - b. **Paragraph Nos. 533 536, 539, 555, and 565**. Executive Director Caproni provided an update on material he submitted to the Independent Monitoring Team to demonstrate compliance with the requirements of these paragraphs.

Respectfully submitted,

/s/ Max A. Caproni Executive Director

Chicago Police Board Monthly Report of Decisions July 2021

THE POLICE BOARD'S ROLE IN THE DISCIPLINARY PROCESS

Discharge Cases: The Police Board decides disciplinary cases when the Superintendent of Police files charges to discharge a sworn officer from the Chicago Police Department (CPD).

Civilian Office of Police Accountability (COPA) and the Superintendent of Police over the recommended discipline of an officer. Disagreement Cases: Individual members of the Police Board rule on disagreements between the Chief Administrator of the

DISCHARGE CASES								
	BIA This Month	BIA Vear-to-Date	COPA This Month	COPA	OIG	OIG	Total	Total
Guilty, Discharged	0	0	-	2 2	0	0		1 ear-10-Date 2
Guilty, Suspended	0	· v -	0	0	0	0	0	.
Not Guilty	0	0	0	8 5	0	0	0	~
Charges WithdrawnRespondent Resigned	0	÷	0	4	0	~	0	9
Charges WithdrawnOther	0	0	0	0	0	0	0	0
Total	0	7	-	7	0	\ -	-	10
BIA = Investigated by the Chicago Police Department's Bureau of Internal Affairs COPA = Investigated by the Civilian Office of Police Accountability OIG = Investigated by the Office of the Inspector General	oartment's Bur Police Accour ctor General	eau of Internal ntability	Affairs					

DISAGREEMENT CASES					
	Ruling for COPA	Ruling for COPA	Ruling for CPD	Ruling for CPD	
COPA Recommendation: Discharge from CPD	This Month	his Month Year-to-Date	This Month 0	This Month Year-to-Date 0 0	
Suspension > 30 days	a v =	4	0	-	
Suspension 11 - 30 days	-	4	0	2	
Suspension 1 - 10 days or reprimand	0	τ-	0	0	
Total	8	10	0	ო	

POLICE BOARD CITY OF CHICAGO

Policy Regarding the Attendance of and Participation by the Public at Board Meetings

July 23, 2019

The Police Board values the attendance of the public at its meetings and the opportunity to receive comments and questions on matters concerning the Board or the Police Department. The Board will treat members of the public with courtesy and respect, and expects that the public will treat Board members and Department members in a similar manner.

Toward that end, the Board has adopted the following rules governing conduct at Board meetings:

- 1. An individual wishing to address the Board must sign-up in advance by contacting the Board's office no later than 3:00 p.m. of the day of the meeting, or by signing up in person at the meeting location up to 15 minutes before the meeting begins.
- 2. When called upon to address the Board, each speaker is to identify him/herself and speak clearly so that all in attendance may hear and so that the court reporter may make an accurate record of the proceedings.
- 3. Due to time constraints, each speaker is limited to two minutes and must conclude when asked to do so by the Board member acting as parliamentarian.
- 4. Personal attacks, obscene language, fighting words, threats, conduct intended to disrupt or interfere with the meeting, and comments not related to matters within the Board's or the Department's jurisdiction, by a speaker or any person in attendance, are strictly prohibited.

Violation of any of the above rules may result in the removal of the violator from the meeting room, or in the immediate adjournment of the meeting; in addition, repeated violations may result in the violator not being permitted to attend or participate in future Board meetings.

CITY OF CHICAGO

Policy Regarding Community Input Received at Police Board Public Meetings¹ June 20, 2019

The City values the attendance of the public at monthly Police Board meetings and the opportunity to receive comments and questions concerning police-related matters. The following policy is created to ensure responsiveness to community input received at the meetings.

- 1. Each Police Board public meeting shall be transcribed by a court reporter. The transcript of the meeting shall include a complete report of each speaker's remarks, and shall be posted on the Police Board website.
- 2. Within seven business days of the public meeting, the Executive Director of the Police Board shall review the transcript of the meeting, classify the community input received, and direct the community input to the appropriate responding agency (Police Department, Civilian Office of Police Accountability, Police Board, Deputy Inspector General for Public Safety, and/or any other appropriate agency).
- 3. Each responding agency shall make best efforts 2 to respond fully to the community input.
- 4. Within ten business days of receiving the community input from the Executive Director of the Police Board, each responding agency shall provide the Executive Director with a written report documenting its response to the community input to date. The Executive Director of the Police Board shall track all community input and responses.
- 5. The Executive Director of the Police Board shall post on the Police Board website prior to the next public meeting: (a) a report of the tracking of community input and responses (if no response is received, this will be noted on the report), and (b) each responding agency's written report of its response to the community input.

 $^{^{1}}$ This policy is created to fulfill the requirements of Paragraph No. 538 of the Consent Decree entered in Illinois v. Chicago:

^{538.} Within 90 days of the Effective Date, the City will create a policy for collecting, documenting, classifying, tracking, and responding to community input received during the Police Board's regular community meetings. The policy will outline the methods for: (a) directing community input to the appropriate responding entity, agency, or office; and (b) documenting and making public, all responses to community input.

² As defined in Paragraph No. 729 of the Consent Decree, "'Best efforts' require a party, in good faith, to take all reasonable steps to achieve the stated objective." (Footnote added on October 18, 2019)

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This communication summarizes new or amended directives issued by the Superintendent between **01 July and 31 July 2021**. There were no new or amended directives issued.

The following directives, along with all of the Chicago Police Department's orders, are available for review in their entirety on the Department website listed below:

http://directives.chicagopolice.org

PERSONNEL AND TRAINING

During the month of **July 2021**, **207** training blocks were conducted for Chicago Police Recruits, Metropolitan Recruits (including surrounding agencies) and In-Service Courses.

A total of **57,837** Department attendees received In-Service/E-Learning training, which included: Range Prescribed and Aux/Alt Weapons Qualifications, Taser Qualification & Re-Certification, Use of Force – Communications, Use of Force – Procedures, LEMART In-Service Training, TARA Field Force Operations Refresher 2021, TTU In-Service Active Shooter, GYM Power Test Prep, CIT Crisis Intervention Training, Driving Unit In-Service, Community Policing Training and Officer Wellness.

A total of **154 Chicago Police Recruits** were in training along with **88 Metropolitan Police Recruits**.

BIA AND COPA STATISTICS COMPLAINTS RECEIVED, COMPLETED AND DISPOSITION

Police Board July 2021 Complaint Statistics

All Log Numbers Received in CLEAR & CMS, Including Admin Closures

		-	
	Total	Assigned	Percent
	Received	to BIA	of Total
July 2020	528	317	60.0%
2020 Year to Date	3,473	2,125	61.2%
July 2021	438	372	84.9%
2021 Year to Date	2,976	2,415	81.1%

BIA	Percent
Admin	of BIA
Closed	Total
129	24.4%
903	26.0%
124	28.3%
985	33.1%
	Admin Closed 129 903

Pre-Affidavit Investigations*

* Count of cases (log numbers) excluding admin closures.

	Assigned	Percent	Assigned	Percent	Total
	to BIA	of Total	to COPA	of Total	Received
July 2020	188	47.1%	211	52.9%	399
2020 Year to Date	1,222	47.5%	1,348	52.5%	2,570
July 2021	248	79.0%	66	21.0%	314
2021 Year to Date	1,430	71.8%	561	28.2%	1,991

BIA Investigations Received

BIA Investigations Closed (Investigation Completed)

	2020	2021	+/-
July	188	248	60
Year to Date*	1,222	1,430	208

2020	2021	+/-
112	126	14
1,155	1,117	-38

BIA AND COPA STATISTICS COMPLAINTS RECEIVED, COMPLETED AND DISPOSITION

BIA Investigative Findings (Includes Field Units) **

** Count of Cases with Case Closed Dates only, e.g. Case Final and organized by Case Closed Date.

	July	Percent	YTD	July	Percent	YTD	YTD
	2020	of Total	2020	2021	of Total	2021	+/-
Sustained	6	5.4%	107	12	9.5%	142	35
Exonerated	6	5.4%	58	1	0.8%	30	-28
Unfounded	10	8.9%	150	22	17.5%	124	-26
Not Sustained	19	17.0%	227	18	14.3%	152	-75
Admin Closed	1	0.9%	11	1	0.8%	4	-7
No Affidavit /NC	70	62.5%	602	72	57.1%	665	63
	112		1,155	126		1,117	-38

Disciplinary Codes Entered for Members, Count of Members not of Log Numbers BIA Investigations Only

(Discipline at 'Final Finding', Case Closed in Records with Sustained Finding) ***

*** Organized by Case Closed Date.

	July 2020	Percent of Total	YTD 2020	July 2021	Percent of Total	YTD 2021	YTD +/-
000 - Violation Noted	3	75.0%	28	2	14.3%	42	14
100 - Reprimand	1	25.0%	32	6	42.9%	91	59
200 - Susp Over 30 days	0	0.0%	0	0	0.0%	1	1
800 - Resigned Not Served	0	0.0%	16	2	14.3%	6	-10
900 - Penalty Not Served	0	0.0%	5	0	0.0%	0	-5
Suspended 1 to 5 days	0	0.0%	25	3	21.4%	21	-4
Suspended 6 to 15 days	0	0.0%	6	0	0.0%	4	-2
Suspended 16 to 30 days	0	0.0%	1	1	7.1%	2	1
	4	100.0%	113	14	100.0%	167	54

Prepared by P.O. Stephen Beime #17561

CITY OF CHICAGO DEPARTMENT OF POLICE **LISTING OF SEPARATIONS** FOR JULY 2021

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ita Warehouse

port Date: 18-Aug-2021 port Time: 10:40



SUMMARY OF SEPARATIONS BY CODE FOR CIVILIANS

SEPARATION CODE	DESCRIPTION	JUL 2021	JAN - JUL 2021	JUL 2020	JAN - JUL 2020	ALL OF 2020
809	RESIGN/UNDER INVEST	0	0	0	~	_
810	RESIGN PENSION	က	23	က	32	41
812	RESIGN OTHER EMPLOY	0	က	0	0	0
814	RSGN FAM RESP/DOMEST	0	~	0	0	0
816	RESIGN FIN SCHOOL	0	0	0	~	2
819	SEP/OTHER CITY POS	0	5	0	Ŋ	œ
821	RESIGN/OTHER	4	18	2	7	23
828	RESIGN FROM LOA	0	~	0	0	0
829	RESIGN FROM DPR	0	0	0	~	_
845	MANDATORY RETIREMENT	0	0	0	~	_
	CIVILIAN TOTALS	7	51	S.	52	77

* TIME ELAPSED FROM DATE OF APPOINTMENT TO DATE OF SEPARATION, MAY NOT REFLECT CONTINUOUS SERVICE WITH THE DEPARTMENT DUE TO LEAVES OF ABSENCE AND OTHER ADJUSTMENTS.

NOTE: THE INFORMATION IS CURRENT AS OF THE DATE AND TIME OF THE REPORT.

CITY OF CHICAGO DEPARTMENT OF POLICE **LISTING OF SEPARATIONS** FOR JULY 2021

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sport Date: 18-Aug-2021 sport Time: 10:39



SUMMARY OF SEPARATIONS BY CODE FOR SWORN

SEPARATION CODE	DESCRIPTION	JUL 2021	JAN - JUL 2021	JUL 2020	JAN - JUL 2020	ALL OF 2020
808	RESIGN PENSIO/INVEST	0	7	0	0	_
808	RESIGN/UNDER INVEST	~	ω	က	10	14
810	RESIGN PENSION	49	427	63	339	508
812	RESIGN OTHER EMPLOY	16	53	7	7	16
819	SEP/OTHER CITY POS	0	0	2	1-	1
821	RESIGN/OTHER	က	43	9	24	29
825	JOB ABANDONMENT	0	0	0	_	_
828	RESIGN FROM LOA	0	9	~	ო	5
829	RESIGN FROM DPR	0	0	0	6	တ
845	MANDATORY RETIREMENT	0	~	2	16	19
860	DEATH	0	~	0	0	0
	SWORN TOTALS	69	546	84	424	651

* TIME ELAPSED FROM DATE OF APPOINTMENT TO DATE OF SEPARATION, MAY NOT REFLECT CONTINUOUS SERVICE WITH THE DEPARTMENT DUE TO LEAVES OF ABSENCE AND OTHER ADJUSTMENTS.

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